

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JORDAN ECK, HALEY HARTLINE, :  
and VINCENT FERRIZZI, :  
Plaintiffs, :

V.

NO.: 5:19-CV-1873-MAK  
JURY TRIAL DEMANDED

OLEY VALLEY SCHOOL DISTRICT; :  
TRACY SHANK, individually; :  
CHRISTOPHER M. BECKER, individually; :  
and STACY LYONS, individually, :  
Defendants. :

## DEFENDANTS' PRETRIAL MEMORANDUM

The above-named Defendants through the undersigned counsel hereby submit their Pretrial Memorandum in accordance with the Court's Policies and Procedures as follows.

- ## 1. All Stipulations of Counsel

None.

2. Attached highlighted testimony of video testimony of unavailable witnesses

None.

3. The substance of testimony of each witness.

- a. Jordan Eck – as of cross examination – will testify about his speech made during the March 20, 2019 board meeting, the “email” sent by Defendant Lyons, the “hallway conversation” with Mrs. Lyons, Ms. Hartenstein, Mr. Otto and Ms. Jones; the meeting regarding his 3-day suspension with Defendant Dr. Shank, together with other topics such as the “fruit video”,

- preparation for his speech at the board meeting, his conversations with Mrs. Lyons about the “understudy” show, and his relationship with others in school such as Jared Mazeika;
- b. Jared Mazeika – on direct – will testify about his relationship with Jordan Eck, Jordan Eck’s attempts to have Jared step down from his role as “Jack” in the musical “Newsies”, to whom he was cast as an understudy; Jordan Eck’s desire to play the role of “Jack” in the musical “Newsies;” the “fruit video” posted by Haley Hartline in which Jordan Eck was using the same fruits to which Jared Mazeika was allergic to “woo” his girlfriend, Haley Hartline, which she posted on Snapchat;
  - c. Mrs. Mazeika, Jared’s mother – on direct- who witnessed Tara Eck, Jordan’s mother, in the parking lot of the dance studio where Jared was practicing while having no child also practicing at the dance studio at that time; who witnessed the “fruit video” and became upset by its content; who contacted the local police about the fruit video and its content because Jordan Eck was, at the same time, trying to convince her son to step down from his role as “Jack” in the play so that he could, himself, play the role; who had numerous conversations with the School District administration about Jordan Eck and his mother, Tara, being antagonistic towards Jared;
  - d. Tara Eck – on cross examination – about her son’s emotionality when he learned he did not receive the part as “Jack” in the musical, “Newsies::
  - e. Haley Hartline – as of cross examination – about her own role in the musical, “Newsies”; her attendance and speech at the board meeting, her attendance at the cast meeting the following day and her outburst in the audience when she quit the play; her conversation with Mr. Becker when she received a 1 ½ day suspension for that behavior;
  - f. Vincent “Vinny” Ferrizzi – as of cross examination – about his own role in the musical “Newsies;” his conversations with other plaintiffs, Jordan Eck and Haley Hartline; his

conversations with other cast members about the lawsuit and “Mrs. Lyons” “going down;” and his excusal from “set strike” because of that threat to her;

- g. Abigail Hartenstein – as of direct – will testify about her relationship with the cast members, the plaintiffs, Jordan Eck, and his utterly disrespectful display of attitude and behaviors towards her on the evening following the board meeting and the memorandum she prepared for Dr. Shank’s investigation;
- h. Maria Jones – as of direct – will testify that, as the board secretary, she was present at the board meeting and observed the testimony of all three plaintiffs and others who spoke during the public comment segment of the board meeting, her attendance at a hallway conversation with Jordan Eck, Stacy Lyons and Abigail Hartenstein; and the memorandum she prepared for Dr. Shank’s investigation into Jordan’s behaviors that evening;
- i. Mr. Otto, the maintenance man – will testify as of direct – that the conversation with Jordan Eck became antagonistic and that he believed someone else should stand in his place;
- j. Dr. Tracy Shank – as of direct - will testify that she had been monitoring and working with Stacy Lyons during the musical rehearsals for the purpose of assisting Mrs. Lyons with a better way to work with the student actors; conversations she had with others in the District about Jordan Eck and his mother being angry and upset that Jordan was not cast as “Jack” in the musical; conversations with Mrs. Mazeika regarding her son’s safety in school; the board meeting where all the plaintiffs and others spoke at the public comment segment of the board meeting; conversations she had with Stacy Lyons, Maria Jones and Abigail Hartenstein regarding Jordan Eck’s insolent behaviors; conversations she had with Mr. Becker, the building principal regarding discipline for the acting-out behaviors of each of the Plaintiffs during various times following the board meeting; and all other matters raised in the pleadings and discovery prior to trial;

- k. Christopher Becker - as of direct - will testify about his conversations with the parties during the times material to Plaintiffs' alleged causes of action and his role, as building principal, in their discipline;
- l. Stacy Lyons – as of direct – will testify about her work ethic, style and relationship with students and cast members; her relationship with the administration and the school board, if any; her concerns about the musical; her concerns about Jordan and Tara Eck; her concerns about Jared Mazeika and his safety; and her concerns about the drama program considering all the work and personal sacrifices she had made to keep it successful;
- m. Defendants reserve the right to all any other witness, as of cross examination, called by Plaintiffs in their case in chief and any witnesses on rebuttal or as the Court may allow in its discretion to assist the jury

4. Schedule of All Proffered Exhibits

Joint Appendix presented to the Court during the dispositive motions phase of the litigation –  
See attached.

5. Courtesy copies of contested Exhibits

To be provided as directed.

Respectfully submitted;

MARSHALL DENNEHEY

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**CERTIFICATE OF SERVICE**

I, Sharon M. O'Donnell, Esquire, of Marshall Dennehey Warner Coleman & Goggin, do hereby certify that on this 13<sup>th</sup> day of January, 2020, I served a copy of Defendants' Pretrial Memorandum, electronically, as follows:

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